

Chapter 9.

Supporting Indigenous Protected Areas in the Kimberley Region

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***Abstract.** The Western Australian Department of Indigenous Affairs has established a position to work in partnership with the Kimberley Land Council to support the planning and management of Indigenous Protected Areas (IPAs) in the Kimberley Region in northwestern Australia. This commitment recognises the multiple benefits of IPAs to Indigenous peoples, and conservation, and is an outcome of the Memorandum of Understanding between the land council, the department and the Aboriginal Lands Trust. The IPA support position, the only one of its kind in Australia, provides an example of how the Commonwealth government, State and Territory governments and Aboriginal organisations can work together in tripartite arrangements to support IPAs, as recommended by an independent review of the IPA Program in 2006 (the Gilligan Review). In this chapter, I summarise the roles of the IPA support position and some of the opportunities and challenges posed by expanding the network of IPAs in the Kimberley Region, including the inclusion of marine areas in Sea Country IPAs.*

9.1 Introduction

The Western Australian Department of Indigenous Affairs (DIA) established a staff position in 2007 to support the declaration and management of Indigenous Protected Areas (IPAs)¹ in the Kimberley region. This arrangement was made using agreements with the Kimberley Land Council² and the Aboriginal Land Trust³. The position is based within DIA's Kimberley West Office in Broome, northwest Australia, and works in close partnership with the KLC's Land and Sea Management Unit (LSMU), which plays a major role in co-ordinating the management of IPAs in the Kimberley region.

I was appointed to the IPA Support Position in September 2007. Primarily, I support IPA co-ordinators, KLC project officers and participating communities in their efforts to consolidate existing IPAs and develop new ones. The position is valuable in providing an extra pair of hands in areas of practical need, while also working on some more strategic areas where possible. The position is underpinned by community mandates via the direction KLC receives from its thirty-two-member Executive Committee, as well as via IPA steering committees and the larger participating native title claimant groups. The position engages directly in these organisational and community structures, which ensures it is responding to the directions in which Aboriginal peoples wish to go.

On the part of the DIA, the decision and commitment that has resulted in the funding and management of this position arises in part from the multiple benefit

¹ Indigenous Protected Areas (IPAs) are protected areas voluntarily declared by Indigenous land owners and managed with the support of the Commonwealth Government's IPA Program and other partners. Further information on IPAs can be found in the Chapter on Sea Country IPAs by Dermot Smyth and at <www.environment.gov.au/indigenous/ipa>.

² The Kimberley Land Council (KLC) is an Indigenous organisation established to pursue land claims on behalf of Aboriginal groups in the Kimberley region of northwestern Australia <www.klc.org.au>.

³ The Aboriginal Land Trust (ALT) is the organisation established by the Western Australian government to administer land reserved for the Indigenous peoples of Western Australia <www.dia.wa.gov.au/Land/Aboriginal-Lands-Trust>.

outcomes generated through IPA participation. These outcomes are clearly evidenced in the 2006 Indigenous Protected Areas Programme Evaluation carried out by Brian Gilligan (2006 – ‘the Gilligan Report’). The DIA, through its Land Branch, regards IPAs as a valuable part of a much larger story concerned with people working to ensure that country, culture and communities can thrive.

After ten years of successful IPA operation in Australia, this move by the Western Australian Government through the DIA is consistent with Gilligan’s recommendation for greater support for IPAs from State agencies, and addresses the concern (Smyth 2007:1) that:

Some state and territory governments are embracing joint management of national parks, but have been less forthcoming in support of IPAs.

9.2 Policy Context

In 2004, a Memorandum of Understanding (MOU) was developed between the KLC, the DIA and the Aboriginal Lands Trust (ALT). The ALT holds Aboriginal reserve lands and waters under legislation for the use and benefit of Indigenous Western Australians. The Land Branch of the DIA functions as the ALT secretariat to administer these areas and works with Aboriginal communities to generate positive outcomes across this network of Indigenous lands and waters. The MOU was the result of relationship-building over several years.

The MOU allows the KLC and DIA to work together, to set agreed priorities, and to jointly pursue those partnered outcomes. The MOU is based on the mutual recognition of a number of principles. These principles include:

- Respect for Indigenous cultural values and authority, and ways of working;
- The need to work closely with Aboriginal organisations and communities – those people central to the design, support and delivery of determined outcomes;
- The need for as high a degree of transparency and openness in decision making and procedures as possible; and
- The recognition that the functions of the KLC require it to include Traditional Owners in relation to matters that may or will affect their rights and interests.

The IPA Support Position arose as one of these agreed land and sea management priorities through the MOU’s review. If successful, the DIA hopes to replicate similar positions in other areas throughout the State where IPA planning and management, and associated land and sea management initiatives, could be initiated.

9.3 Function of the IPA Support Position

The IPA Support Position has been funded for a three-year period and has come with sufficient resources to cover salary and associated costs, and to make modest contributions to each IPA, whether declared or in development. These contributions are worked out on an IPA-by-IPA basis according to the priorities identified by the IPA Steering Committees and IPA Co-ordinators, according to the IPA plans of management or those in development.

Figure 9.1 shows the areas of focus associated the IPA Support Position. These areas include:

- Paruku (Lake Gregory) IPA, located in the Great Sandy Desert Bioregion, is home to the Walmajarri people of the Tjurabalan lands. Paruku IPA was declared in 2001.

- Warlu Jilajaa Jumu⁴ IPA, also located in the Great Sandy Desert Bioregion, is home to the Ngurrara Traditional Owners, who represent the Walmajarri/Juwaliny, Wangkajunga, Mangala and Manjilyjarra peoples. This IPA was declared in 2007 at Kurliku, along with the handing down of a long-awaited determination of exclusive possession native title to the land.
- Potential Saltwater Country IPA, located in the North Kimberley Bioregion, which is home to Mayala, Dambimangari, Unguu, and Balanggarra peoples. This IPA is currently being developed through a process of consultation, engaging with Traditional Owners to discuss their priorities for managing country.
- In response to requests, we will also undertake discussions during 2008 with Bardi-Jawi people on the Dampier Peninsula, and Karajarri people south of Broome to explore IPAs on their respective inherited estates.

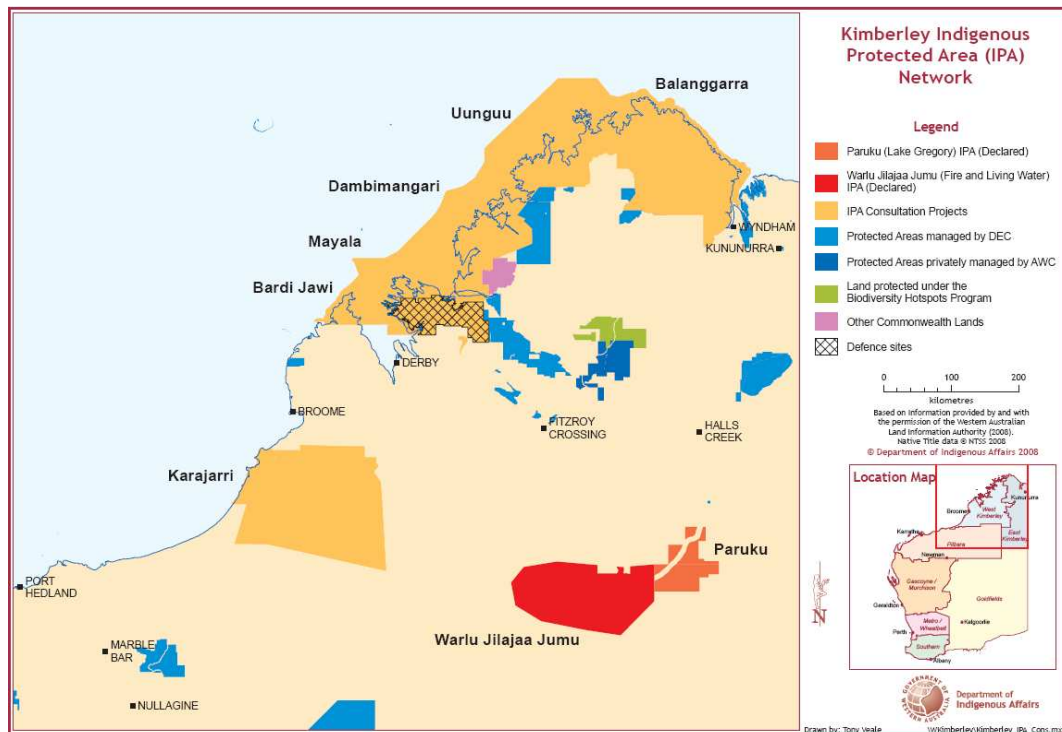


Figure 9.1: Map of Kimberley Region showing location of existing and proposed (consultation) IPAs and other protected areas

Additional tasks of the IPA Support Position include addressing land-management issues associated with the return of ALT lands to Traditional Owners. This is currently being explored on the Tjurabalan lands where Paruku is located. Other tasks include policy and research support back to the Land Branch Leadership Team of DIA in Perth. This flows from discussions that DIA commenced early this year with the Western Australian Department of Environment and Conservation (DEC) about the ways in which the findings of the Gilligan Review might be used to develop and pilot tripartite agreements between the Australian Government, the Western Australian Government and Aboriginal land owners. The pilot agreements are a means to foster and sustain

⁴ Translation: Fire, Living and Soak Water

greater involvement in partnerships by the Western Australian Government where Indigenous communities decide to undertake IPA planning and management.

One option being explored is an Indigenous Affairs Bilateral Agreement between the Commonwealth and the Western Australian governments for the period 2006 – 2010, which could lead to greater Western Australian government support for IPAs. This follows the recent negotiation of an Indigenous Bilateral Agreement between the Commonwealth and the Northern Territory governments, with provisions for additional Aboriginal land-management support.

The responsibilities of the IPA Support Position have been fine-tuned by working with KLC Land and Sea Management Unit manager and the IPA co-ordinators and KLC project officers. We have gone through the IPA funding agreements and scopes of works and have broken up areas for which I am now responsible for assisting delivery. These are reflected in a detailed work-plan, which mirrors the KLC's templates and also meets the DIA's requirements. This work includes, but is not limited to:

- Aiding the introduction of the IPA concept to Traditional Owners groups and, if they wish to proceed, working with people in the steps they need to take towards IPA declaration and management;
- Providing editorial work on plans of management that are in development;
- Reviewing and assisting the updating of existing plans of management;
- Research, liaison and logistical support for IPA on-ground works and governance;
- Facilitating DIA operational contributions to each IPA (existing and emerging);
- Aiding the recruitment of additional IPA support staff on-site;
- Supporting the development of tourism information; and
- Writing funding submissions to support IPA and ranger work, particularly in terms of the development and delivery of training programs and securing funding for, and recruitment of, support positions dedicated to the Kimberley ranger network.

Kimberley ranger development is on the increase through established and emerging community driven ranger groups that are being assisted by many local and regional organisations, including the KLC and the DIA, again in partnership. Importantly, I am based at the KLC two days per week, and I maintain regular communication with the Commonwealth government's Department of the Environment, Water, Heritage and the Arts, which administers the IPA Program. We exchange advice and feedback on all issues relevant to IPA planning and management.

Some of the strategic and practical opportunities associated with IPAs that have been identified in the Kimberley include:

- Recognising and promoting Indigenous lands, values and uses, and cultural authority and governance, including increased diligence around appropriate access and visitation by non-Indigenous individuals, organisations, agencies, and industry groups;
- Providing some recognition and security with seed funding;
- Leveraging further partnerships, including investments of various kinds for 'back to Country' trips, biodiversity conservation work, cultural mapping, enterprise development and knowledge sharing;
- Exploring new ways of Indigenous land- and sea-management.



Figure 9.2: Paraku IPA Ranger recruitment meeting, March 2008

9.4 Challenges for the future

Challenges for future direction of IPA development in the Kimberley region include:

- Overcoming delays in getting agreements signed, funding released and works commenced.

This is in part a function of the ways in which organisations have differing funding priorities and guidelines. It takes time for partnerships to progress from paper agreements to on-ground actions. The reality is that, whether competing or complementary, external organisational demands must be dealt with by Aboriginal organisations and communities in their day-to-day operations. It is a co-ordination challenge for these external parties to consider if they are to orchestrate better collaborative partnerships.

- Reviewing the IPA Plan of Management template.

The current IPA Plan of Management template can be quite complex to comply with; it could be improved by the addition of some cultural biodiversity indicators.

- Negotiating the management of Sea Country IPAs.

One specific query is the question of how IPAs interact with marine protected areas currently being proposed through the Commonwealth government's Marine Bioregional Planning process⁵.

- Considering the impact of IPAs on native title.

There is an emerging recognition of the need to explore exactly what, if any, IPA activities need to be considered under the Future Act provisions of the *Native Title Act 1993 (Clth)* in order to ensure native title rights and interests are protected.

⁵ <www.environment.gov.au/coasts/mbp> provides further information on the Marine Bioregional Planning process.

The IPA Support Position in Broome is currently the only position of this kind in Western Australia, or anywhere in Australia. It is hoped that the establishment of this position and the work it produces will send a positive message to other State and Territory government agencies, and that in future these kinds of positions will become commonplace.



Figure 9.3: Planning meeting on Warlu Jilajaa IPA, Cherrabun, May 2008

References

- Gilligan, Brian 2006 *The Indigenous Protected Area Programme Evaluation*. Department of the Environment and Heritage, Canberra <www.environment.gov.au/indigenous/publications/ipa-evaluation> accessed 18 September 2007.
- Smyth, Dermot 2007 Session 14. Protecting Country: Indigenous governance and management of protected areas. Session 14 Rationale. Australian Institute of Aboriginal and Torres Strait Islander Studies Conference 2007. <www.aiatsis.gov.au/research_program/events2/aiatsis_conf2007> accessed 18 September 2007.

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